

SUPPORT FOR THE AMENDMENTS

This Amendment cancels Claims 1-4; and adds new Claims 5-19. Support for the amendments is found in the specification and claims as originally filed. In particular, support for Claims 5-7 and 14-16 is found in canceled Claims 1-2 and 4 and in the specification at least at page 6, lines 26-31 and page 7, line 33 to page 8, line 12. Support for Claims 8-10 is found in Claim 1 and 3 and in the specification at least at the abstract, lines 7-12 ("It is possible to provide food or food products which include a high oligosaccharide like high functional oligosaccharide such as ... maltotetraose, maltopentaose and maltohexaose, not by adding the oligosaccharide itself but by using malt obtained by a germination step") and at page 6, lines 21-25 ("oligosaccharides like maltotetraose, maltopentaose and maltohexaose, which were not detected in materials and dough right after fermentation, were drastically increased after the baking step"). Support for Claims 11-13 and 17-19 is found in the specification at least at page 7, lines 34-35 ("...in each bread (after baking)"). No new matter would be introduced by entry of these amendments.

Upon entry of these amendments, Claims 5-19 will be pending in this application. Claim 5 is independent.

REQUEST FOR RECONSIDERATION

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the application, as amended, in light of the remarks that follow.

Conventionally, in order to manufacture a food product including an oligosaccharide such as maltotetraose, the oligosaccharide itself is added to the food as a food additive. Specification at page 2, lines 26-30.

In contrast, the present invention provides a method for manufacturing a food product having a high content of a oligosaccharide such as maltotetraose, maltopentaose or

maltohexaose, not by adding the oligosaccharide itself, but by mixing a barley malt flour with the other raw materials for the food product and then baking the mixture. Specification at abstract; page 6, lines 21-25. By using a barley malt flour mixing ratio (e.g., 10% or 20%) that is much higher than is conventional (0.36%), the content of maltotetraose, maltopentaose and maltohexaose in baked bread is drastically increased. Specification at page 7, lines 25-27; page 8, lines 5-12.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) over U.S. Patent No. 6,120,908. Claims 2-3 are rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,120,908. However, U.S. Patent No. 6,120,908 is to Papanu et al., not Jodlbauer et al., and is entitled "Strengthening Flat Glass By Edge Coating". U.S. Patent No. 6,120,908 fails to suggest a method of processing or manufacturing a food product. In any event, Claims 1-4 are canceled, so these prior art rejections are moot and should be withdrawn.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) over JP 2002-095443 ("JP-443"). Claims 2-3 are rejected under 35 U.S.C. 103(a) over JP-443. Claims 1-4 are canceled, so these prior art rejections are moot and should be withdrawn.

U.S. Patent No. 6,120,808 ("Jodlbauer") discloses a method for manufacturing a household flour, which mixes a first wheat flour with a second wheat flour, the second wheat flour being produced by softening *wheat* in aqueous surroundings wherein the wheat germinates; adding a liposome solution to the aqueous surroundings that the wheat is germinating in, the liposome solution penetrating the biomembranes of the wheat germ to enhance enzyme production; interrupting the germination phase after a predetermined time; drying the germinated material, and grinding the germinated material to produce the second wheat flour. Jodlbauer at title; abstract.

JP-443 discloses a health food containing black *wheat* malts or processed products thereof. JP-443 at title; English-language abstract.

However, Jodlbauer and JP-443 both fail to suggest the independent Claim 5 limitation that "the malt is a *barley* malt". Thus, pending Claims 5-19 are patentable over Jodlbauer and over JP-443.

Applicants respectfully request that the Examiner cite Jodlbauer on a Form PTO-892.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph. Claims 1-4 are canceled, so the rejection is moot and should be withdrawn.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

Should the Examiner believe that anything further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.
Norman F. Oblon



Corwin P. Umbach, Ph.D.
Registration No. 40,211